



October 19, 2018

**Gregory J. Bautista**  
914.872.7839 (direct)  
Gregory.Bautista@wilsonelser.com

**Sent Via Email**

**Acting Attorney General Barbara Underwood**  
**New York State Attorney General's Office**  
Security Breach Notification  
Internet Bureau  
120 Broadway - 3<sup>rd</sup> Floor  
New York, New York 10271  
breach.security@ag.ny.gov

**New York State Division of State Police**  
Security Breach Notification  
New York State Intelligence Center  
630 Columbia Street Ext  
Latham, New York 12110  
risk@nysic.ny.gov

**New York State Department of State**  
**Division of Consumer Protection**  
Attn: Director of the Division of Consumer Protection  
Security Breach Notification  
99 Washington Avenue, Suite 650  
Albany, New York 12231  
security\_breach\_notification@dos.ny.gov

Re: Potential Data Security Incident

Dear Acting Attorney General Underwood:

We represent Gale & McAllister, PLLC with respect to an incident involving the potential exposure of certain personal information described in detail below.

**1. Nature of the possible security breach or unauthorized use or access**

On September 5, 2018, Gale & McAllister, PLLC ("Gale & McAllister") discovered that a client received fraudulent wire instructions from an employee's email account. Upon discovering this, Gale & McAllister immediately took steps to secure its email accounts, warned clients not to wire funds without verifying the instructions by telephone, and engaged computer experts to determine whether information in the employee's email account was at risk. On October 11, 2018, Gale & McAllister determined that an

unknown, unauthorized third party could have viewed documents in employees' email accounts that contained clients' names, Social Security numbers, dates of birth, driver's license numbers or passport numbers.

## **2. Number of New York residents potentially affected**

Approximately 2 New York residents were affected in this potential incident. Gale & McAllister sent the potentially impacted individuals a letter notifying them of the incident on October 19, 2018. A copy of the notification sent to the potentially impacted individuals is included with this letter, which informs these New York residents about the 12 months of credit monitoring and identity theft protection services that is being offered to them at no charge.

## **3. Steps Gale & McAllister has taken or plans to take relating to the potential incident**

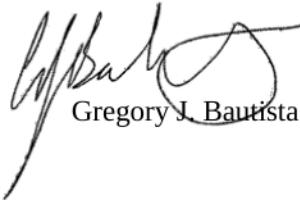
Gale & McAllister takes the privacy and security of personal information very seriously and has continued to take steps to secure client data. Upon learning of this issue, Gale & McAllister immediately engaged computer forensic experts to determine whether information in the accounts was at risk and took steps to prevent a similar event from occurring in the future, including increasing email account security, reviewing and revising its wire transfer procedures and training employees on best practices to counter the growing activity of cybercrime.

## **4. Other notification and contact information**

If you have any questions, please contact me at [Gregory.Bautista@wilsonelser.com](mailto:Gregory.Bautista@wilsonelser.com) or (914) 872-7839.

Very truly yours,

**Wilson Elser Moskowitz Edelman & Dicker LLP**



Gregory J. Bautista



78 Severance Green Suite 102, Colchester, VT 05446  
With additional closing offices located in Williston and Stowe  
P 802 876 7478 F 802 871 5742  
[www.gmlawvt.com](http://www.gmlawvt.com)

October 19, 2018

[First\_Name][Last\_Name]  
[Street\_Address]  
[City][State][Zip]

Dear [First\_Name][Last\_Name]:

We write to inform you of an incident that may have put your name, date of birth, driver's license number and Social Security number at risk. We take the security of your information very seriously and sincerely apologize for any inconvenience this incident may cause. This letter contains information about what occurred and steps we can collectively take to protect your information.

**What happened and what information was involved:**

On September 5, 2018, we discovered that a client received fraudulent wire instructions from an employee's email account. We immediately took steps to secure our email accounts, warned clients not to wire funds without verifying the instructions by telephone, and engaged computer experts to determine whether information in the employee's email account was at risk. On October 11, 2018, we determined that an unknown, unauthorized third party could have viewed documents in employees' email accounts that contained your name, date of birth, driver's license number and Social Security number. The unauthorized party's primary motive looks to be wire interception, but we are sending this letter to provide you with resources and information you can use to protect yourself.

**What we are doing and what you can do:**

At this time, there is no indication that your information has been accessed or used by the unauthorized party; however, out of an abundance of caution, we have arranged for you to enroll in identity theft protection services through ID Experts®, the data breach and recovery services expert, to provide you with MyIDCare™. With this protection, MyIDCare will help you resolve issues if your identity is compromised. We strongly encourage you to register for this free identity theft protection service. To enroll please visit <https://app.myidcare.com/account-creation/protect> or call 1-800-939-4170 and provide the following membership enrollment code: **[Enrollment Code]**.

Your 12 month MyIDCare membership will include the following:

**Complete Credit Monitoring and Recovery Services**

- Single Bureau Credit Monitoring** - Monitors any changes reported by Experian Credit Bureau to your credit report.

- **CyberScan Monitoring** - Monitors criminal websites, chat rooms, and bulletin boards for illegal selling or trading of their personal information.
- **Access to the ID Experts Team** - Access to an online resource center for up-to-date information on new identity theft scams, tips for protection, legislative updates and other topics associated with maintaining the health of your identity.
- **Complete Recovery Services** - Should you believe that you are a victim of identity theft, MyIDCare will work with you to assess, stop, and reverse identity theft issues.
- **Identity Theft Insurance** - In the event of a confirmed identity theft, you may be eligible for reimbursement of up to \$1,000,000 for expenses related to that theft.

We sincerely regret any inconvenience or concern that this matter may have caused you. We want to assure you that we have taken steps to prevent a similar event from occurring, including increasing email account security, reviewing and revising our wire transfer procedures and training employees on best practices to counter the growing activity of cybercrime.

Should you have any questions or concerns about this incident, please contact me by phone or email at (802) 876-7478 or [scott@gmlawvt.com](mailto:scott@gmlawvt.com).

Sincerely,

Scott A. McAllister, Esq.



### Recommended Steps to help Protect your Information

**Please Note: Minors, under the age of 18, should not have a credit history established and are under the age to secure credit. Therefore, credit monitoring may not be applicable at this time for them. All other services provided in the membership will apply. No one is allowed to place a fraud alert on your credit report except you, please follow the instructions below to place the alert.**

**1. Website and Enrollment.** Go to <https://app.myidcare.com/account-creation/protect> and follow the instructions for enrollment using your Enrollment Code provided above. Once you have completed your enrollment, you will receive a welcome letter by email (or by mail if you do not provide an email address when you sign up). The welcome letter will direct you to the MyIDCare Member Website where you will find other valuable educational information.

**2. Activate the credit monitoring** provided as part of your MyIDCare membership. Credit and CyberScan Monitoring are included in the membership, but you must personally activate it for it to be effective. Note: You must have established credit and access to a computer and the internet to use this service. If you need assistance, MyIDCare will be able to assist you.

**3. Review your credit reports.** We recommend that you remain vigilant by reviewing account statements and monitoring credit reports. Under federal law, you also are entitled every 12 months to one free copy of your credit report from each of the three major credit reporting companies. To obtain a free annual credit report, go to [www.annualcreditreport.com](http://www.annualcreditreport.com) or call 1-877-322-8228. You may wish to stagger your requests so that you receive a free report by one of the three credit bureaus every four months.

If you discover any suspicious items and have enrolled in MyIDCare, notify them immediately by calling or by visiting their Member website and filing a theft report.

If you file a theft report with MyIDCare, you will be contacted by a member of our ID Care team who will help you determine the cause of the suspicious items. In the unlikely event that you fall victim to identity theft as a consequence of this incident, you will be assigned an ID Care Specialist who will work on your behalf to identify, stop and reverse the damage quickly.

You should also know that you have the right to file a police report if you ever experience identity fraud. Please note that in order to file a crime report or incident report with law enforcement for identity theft, you will likely need to provide some kind of proof that you have been a victim. A police report is often required to dispute fraudulent items. You can report suspected incidents of identity theft to local law enforcement or to the Attorney General.

**4. Place Fraud Alerts** with the three credit bureaus. If you choose to place a fraud alert, we recommend you do this after activating your credit monitoring. You can place a fraud alert at one of the three major credit bureaus by phone and also via Experian's or Equifax's website following the directions provided below.

## **Additional Important Information**

**For residents of Hawaii, Michigan, Missouri, Virginia, Vermont, and North Carolina:** It is recommended by state law that you remain vigilant for incidents of fraud and identity theft by reviewing credit card account statements and monitoring your credit report for unauthorized activity.

**For residents of Illinois, Iowa, Maryland, Missouri, North Carolina, Oregon, and West Virginia:**

It is required by state laws to inform you that you may obtain a copy of your credit report, free of charge, whether or not you suspect any unauthorized activity on your account. You may obtain a free copy of your credit report from each of the three nationwide credit reporting agencies. To order your free credit report, please visit [www.annualcreditreport.com](http://www.annualcreditreport.com), or call toll-free at 1-877-322-8228. You can also order your annual free credit report by mailing a completed Annual Credit Report Request Form (available at <https://www.consumer.ftc.gov/articles/0155-free-credit-reports>) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281.

**For residents of Iowa:**

State law advises you to report any suspected identity theft to law enforcement or to the Attorney General.

**For residents of Oregon:**

State laws advise you to report any suspected identity theft to law enforcement, including the Attorney General, and the Federal Trade Commission.

**For residents of Maryland, Rhode Island, Illinois, and North Carolina:**

You can obtain information from the Maryland and North Carolina Offices of the Attorneys General and the Federal Trade Commission about fraud alerts, security freezes, and steps you can take toward preventing identity theft.

**Maryland Office of the Attorney General**  
Consumer Protection Division  
200 St. Paul Place  
Baltimore, MD 21202  
1-888-743-0023  
[www.oag.state.md.us](http://www.oag.state.md.us)

**Rhode Island Office of the Attorney General**  
Consumer Protection  
150 South Main Street  
Providence RI 02903  
1-401-274-4400  
[www.riag.ri.gov](http://www.riag.ri.gov)

**North Carolina Office of the Attorney General**  
Consumer Protection Division  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
1-877-566-7226  
[www.ncdoj.com](http://www.ncdoj.com)

**Federal Trade Commission**  
Consumer Response Center  
600 Pennsylvania Ave, NW  
Washington, DC 20580  
1-877-IDTHEFT (438-4338)  
[www.ftc.gov/idtheft](http://www.ftc.gov/idtheft)

**For residents of Massachusetts:** It is required by state law that you are informed of your right to obtain a police report if you are a victim of identity theft

**For residents of all states:**

**Fraud Alerts:** You can place fraud alerts with the three credit bureaus at one of the three major credit bureaus by phone and also via Experian's or Equifax's website. A fraud alert tells creditors to follow certain procedures, including contacting you, before they open any new accounts or change your existing accounts. For that reason, placing a fraud alert can protect you, but also may delay you when you seek to obtain credit. As of September 21, 2018, initial fraud alerts last for one year and victims of identity theft can also obtain an extended fraud alert for a total of seven years. The contact information for all three credit bureaus is below.

**Monitoring:** You should always remain vigilant and monitor your accounts for suspicious or unusual activity.

**Security Freeze:** You also have the right to place a security freeze on your credit report. A security freeze is intended to prevent credit, loans and services from being approved in your name without your consent. To place a security freeze on your credit report, you need to make a request to each consumer reporting agency. You may make that request by certified mail, overnight mail, or regular stamped mail, or by following the instructions found at the websites listed below. The following information must be included when requesting a security freeze (note that if you are requesting a credit report for your spouse or a minor under the age of 16, this information must be provided for him/her as well): (1) full name, with middle initial and any suffixes; (2) Social Security number; (3) date of birth; (4) current address and any previous addresses for the past five years; and (5) any applicable incident report or complaint with a law enforcement agency or the Registry of Motor Vehicles. The request must also include a copy of a government-issued identification card and a copy of a recent utility bill or bank or insurance statement. It is essential that each copy be legible, display your name and current mailing address, and the date of issue. As of September 21, 2018, it is free to place, lift, or remove a security freeze. You may also place a security freeze for children under the age of 16. You may obtain a security freeze by contacting any one or more of the following national consumer reporting agencies:

**Equifax Security Freeze**  
P.O. Box 105788  
Atlanta, GA 30348  
[www.freeze.equifax.com](http://www.freeze.equifax.com)  
800-525-6285

**Experian Security Freeze**  
P.O. Box 9554  
Allen, TX 75013  
[www.experian.com/freeze](http://www.experian.com/freeze)  
888-397-3742

**TransUnion (FVAD)**  
P.O. Box 2000  
Chester, PA 19022  
[freeze.transunion.com](http://freeze.transunion.com)  
800-680-7289

More information can also be obtained by contacting the Federal Trade Commission listed above.

## Schnitzer, Steven

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**From:** breach.security@ag.ny.gov  
**Sent:** Friday, October 19, 2018 2:36 PM  
**To:** Breach Security  
**Subject:** NYS Security Breach Notification submission/NYAG Confirmation # SB46697  
**Attachments:** ATT00001.bin; Gale & McAllister - AG Notification - NY.pdf

## OFFICE OF THE ACTING ATTORNEY GENERAL BARBARA UNDERWOOD STATE OF NEW YORK DEPARTMENT OF LAW



Bureau of Internet and Technology  
28 Liberty Street  
New York, NY 10005  
Phone: (212)416-8433 | Fax: (212) 416-8369

Consumer Hotline  
(800)771-7755  
TDD (800) 788-9898  
<http://www.ag.ny.gov>

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**Submitted on:** 10/19/2018 02:35 PM

**Complaint ID:** SB46697

### Entity Information

**Name:** Gale & McAllister, PLLC  
**Street Address:** 78 Severance Green Suite 102  
**City/Town:** Colchester  
**State:** VT  
**Zip:** 05446  
**Organization Type:** Other Commercial  
**Organization Size:** 6 to 25  
**URL:** <https://www.gmlawvt.com/>

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### Breach Details

**Description of Breach:** External systems breach  
**Type of attack:** Password/Credentials Compromised  
**Other Description:**  
**Information acquired in combination with name or other personal identifier:** Personal information (date of birth, etc.); Social security number; Driver license number (or non-driver identification card number)  
**Total persons affected (Including NYS residents):** 11

**New York State residents affected:** 2

**Do you believe that this security breach was part of a larger breach that likely affected other organizations?** No

**Comments:**

**If the number of NYS residents exceeds 5,000, have the consumer reporting agencies been notified?** No

**Breach Occurred From:** 08/26/2018

**Breach Occurred To:** 09/05/2018

**Breach Discovered:** 09/25/2018

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**Other Information**

**Consumer notification date:** 10/19/2018

**Manner of notification to affected persons:** Written

**List dates of any previous (within 12 months) breach notifications:**

**Identity theft protection service offered:** Yes

**Provider:** ID Experts

**Duration:** 12 months

**Brief description of service:** ID Experts will offer credit monitoring, cyber-scan monitoring, recovery services and identity theft insurance.

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**Submitted By**

**Name:** Gregory Bautista

Partner

Wilson Elser Moskowitz Edelman & Dicker LLP

914-872-7839

Gregory.Bautista@wilsonelser.com

Counsel

**Telephone:**

**Email:**

**Relationship to entity whose information was compromised:**

**Additional comments:**